IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	§
Batalden et al.	§
	§ Group Art Unit: 2173
Serial No.: 10/020,026	§
	§
Confirmation No.: 8987	§
	§ Examiner: Ting Zhou
Filed: December 14, 2001	§
	§
For: Method For Controlling A	§
Browser Session	§
	§
	§

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to Examiner's Answer mailed on July 13, 2007. While Applicants' maintain each of the arguments submitted in Applicants' previously submitted Appeal Brief, Applicants make the following further arguments in light of the Examiner's Answer.

ARGUMENTS

**YEN, IN VIEW OF *HODGKINSON*, DO NOT RENDER CLAIMS 1-2, 4,
7, 12-15, 20, 25-26, 28, 32-34, AND 36 OBVIOUS**

The Examiner continues to suggest that the combination of *Yen* and *Hodgkinson*
discloses a "controlling browser window" and "controlled browser window," configured to
"receive[] user input to which the controlled browser window is configured to produce a
predetermined response" and to "override[] the predetermined response by executing
an action specified by the at least one event handler to cause a response different from
the predetermined response," as recited by claim 1. Claims 14, 25, and 34 recite similar
limitations. The Examiner concedes that *Yen* fails to teach these limitations but
suggests that the Combination of *Yen* in view of *Hodgkinson* renders these limitations
obvious. Specifically, the Examiner asserts:

> *Hodgkinson* teaches the input of a user selection causing a need for the
> layout of the displayed page to change, therefore, the displayed page had
> a predetermined response of changing the layout of the page, i.e.
> reformatting the page during the reception of data when user input is
> received (page 2, paragraph 15). *Hodgkinson* further teaches deferring
> changing of the layout, i.e. reformatting the page until a later time, such as
> when a certain amount of data for the new page has been received (page
> 2, paragraph 15). In other words, *Hodgkinson* teaches that instead of
> executing the predetermined response of reformatting the page as soon
> as the user input is received, a response other than the predetermined
> response, such as not performing the reformatting until a later time is
> executed. *Hodgkinson* specifically

See Examiner's Answer, Response to Arguments, p. 13.

Respectfully, Applicants submit that the Examiner's position is flawed. As
demonstrated in Applicant's appeal brief, *Hodgkinson* does not describe the claimed
limitation of **overriding** the predetermined response by executing an action specified by
the at least one event handler to cause a response different from the predetermined
response. Instead, *Hodgkinson* discloses a technique for rendering a requested web
page that **defers** formatting a page while data is being received by a browser until
certain conditions are satisfied. *See e.g., Hodgkinson*, ¶ 8, 15, 32, 35. The deferment
of page formatting does not override a different predetermined response of the BDR in

Hodgkinson; rather, it represents a different approach to rendering a web page then taken by other browsers.

Specifically, *Hodgkinson* discloses a "broadcast data receiver" that may be configured to provide a web browser function allowing users to browse the web using the BDR and a television. *Hodgkinson*, ¶ 3. *Hodgkinson* goes on to point out that a "BDR is commonly limited in terms of available memory, processor power and/or display possibilities with respect to the PC and the aim of this invention is to overcome one common problem when an internet web browser facility is provided in this form of apparatus." *Id.* at ¶ 23. The problem referred to is that "[d]uring the retrieval of the data for a selected page the web browser function can be required to reformat the display of the page during fetching and generation" For example, because "new page data arrives" or "new image data arrives" This may be a problem because "[r]epeated reformatting, particularly if data is arriving in many small groups punctuated by short delays, can lead to a lot of flickering of the page display on screen, especially as the web browser function when provided as part of a BDR device." *See Hodgkinson*, ¶¶ 24-27.

To address this, *Hodgkinson* discloses a technique where the web browser software does not reformat a web page layout being downloaded each time a new table or new image data arrives. The Examiner suggests that this amounts to the claimed "overriding the predetermined response by executing an action specified by the at least one event handler to cause a response different from the predetermined response." It should be clear, however, that nothing is overridden at all—a user selects a web page, and that web page is retrieved and rendered. *Hodgkinson* describes a superior technique for rendering web pages on devices with limited capabilities.

For all of the foregoing reasons, Applicants submit that *Yen,* in view of *Hodgkinson*, does not render the present claims obvious. Therefore, Applicants respectfully request the Appeal Board to vacate this rejection and instruct the Examiner to allow claims 1-2, 4, 7, 12-15, 20, 25-26, 28, 32-34, and 36.

YEN, IN VIEW OF *HODGKINSON* AND *NETSCAPE* DO NOT
RENDER CLAIMS 3, 9-11, 17, 19, 21-24, 30-31 and 35 OBVIOUS

The Examiner continues to suggest that the combination of *Yen*, *Hodgkinson*,
and *Netscape* teaches the claimed limitation of "wherein the controlling browser window
is further configured to control a graphical aspect of the controlled browser including the
control of at least one browser chrome element displayed by a graphical user interface
displayed by the opened controlled browser window," as recited by claim 3. Claims 9-
11, 17, 19, 21-24, 30-31 and 35 recite a similar limitation. Regarding this limitation, the
Examiner argues that:

> Netscape teaches that when a user selects a link in a first browser
> window, a second browser window is opened (Screenshots 2-4). The
> second browser window is opened from the first browser window with a
> portion of the browser chrome, i.e. the back and forward buttons displayed
> in a manner that is different than the normal appearance of the buttons,
> i.e. the buttons are grayed out and deactivated in the sense that the user
> cannot select the back and forward buttons on the second opened
> browser window (Screenshots 2-4). Therefore, even assuming that the
> first browser window does not control any aspects of the second browser
> window from this point on, i.e. after first opening the second the first
> browser window controls the graphical or visual aspect of the second
> browser window at least once, namely when the first browser window first
> opens the second browser window with graphical buttons grayed out.

See Examiner's Answer, Response to Arguments, p. 15-16. Respectfully, Applicants
submit that the Examiner's position is flawed. As demonstrated in Applicant's appeal
brief, the buttons are not "grayed out and deactivated state" as a result of any control
whatsoever exerted by the first browser window any more than the "reload" "home" and
"search" buttons are displayed in a active state as a result of any control exerted by the
first browser window. The buttons are displayed in an appropriate state based on the
browsing session of the user. Thus, the "back" and "forward" buttons in screenshots 3
are not deactivated by, and the functional operations of these buttons have not been
controlled by, the first browser window shown in Screenshot 2, or otherwise. These
buttons appear "grayed out" <u>because there are no "forward" or "back" browsed pages to
access</u>.

Quite plainly, the visual aspects of the second browsing window (screenshot 3)
are not controlled by the first browsing window (screenshot 2). For example, what does

the Examiner suggest the appearance of these buttons would be if the first browser window did not control the buttons as suggested? Does the Examiner mean to suggest these would be not "grayed out and deactivated?" For example, consider opening the first browser window (i.e., at the beginning of a browsing session, when there clearly can be no control because no browser window preexists the first browser window) – does the Examiner expect the buttons of the first browser window at that time to be different in appearance from the second browser window at the time of being opened? And if so, what page would be accessed by selecting one of the forward or back buttons when no forward or back pages have been browsed to by the user? These questions illustrate the flaw with the Examiner's position – that the appearance of the forward and back buttons has anything whatsoever do with some form of control exerted by the first browser window. Rather, the "grayed out and deactivated" appearance of those buttons is merely the default appearance for any new browser window in a session, irrespective of any other browser window.

For all of the foregoing reasons, Applicants submit that *Yen,* in view of *Hodgkinson* and *Netscape* does not render the present claims obvious. Therefore, Applicants respectfully request the Appeal Board to vacate this rejection and instruct the Examiner to allow claims 1, 9-11, 17, 21-24, 30-31 and 35.

CONCLUSION

The Examiner errs in finding:

- Claims 1-2, 4, 7, 12-15, 20, 25-26, 28, 32-34, and 36 are unpatentable over *Yen* in view of *Hodgkinson* under 35 U.S.C. § 103(a).

- Claims 3, 9-11, 17, 21-24, 30-31 and 35 are unpatentable over *Yen*, *Hodgkinson*, in further view of *Netscape* under 35 U.S.C. § 103(a).

Withdrawal of these rejection and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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